

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

Andrezj Bobel,

Plaintiff,

v.

U Lighting America, Inc.,
U Lighting Group Co. Ltd., and
Venugopal Ashokkumar a/k/a
Ashok Kumar.

Defendants.

C.A. No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Andrezj Bobel for his Complaint against U lighting America, Inc., U Lighting Group Co, Ltd. and Venugopal Ashokkumar a/k/a Ashok Kumar (collectively “U Lighting”) hereby alleges as follows:

INTRODUCTION

1. This is an action brought by Mr. Bobel against U Lighting for U Lighting’s infringement of Mr. Bobel’s U.S. Patent No. 5,434,480 (the “’480 Patent”). Mr. Bobel seeks a remedy for infringement of the ‘480 patent by U Lighting. The ‘480 patent is attached as Exhibit A.

PARTIES

2. Plaintiff Andrezj Bobel is an individual U.S. citizen residing at 640 Leland Court, Lake Forest, Illinois 60045.

3. On information and belief, Defendant U Lighting Group Co. Ltd is a privately held company with its principal place of business at RM 2603, North Building Baihul, No. 3019 East Rd Sungang, Louhu District, Shenzhen, China. On information and belief, Defendant U Lighting Group Co. Ltd. has a factory at No. 10 Xialang Industrial Zone, Heshuikou Village, Gongming Town, Bao'an District, Shenzhen, China. On information and belief, Defendant U Lighting Group Co. Ltd. was established in 2001 and specializes in production and manufacturing of compact fluorescent lamps ("CFLs"). See <http://www.ulighting.com.cn/>.

4. Defendant U Lighting America Inc. is a privately held company with its principal place of business located at 2448 Balme Drive, San Jose, California 95122. On information and belief, Defendant U Lighting America Inc. sells product in the United States, including this judicial district, for U Lighting Group Co. See <http://www.ulighting.com.cn/contact.aspx>.

5. On information and belief Defendant Venugopal Ashokkumar, a/k/a Ashok Kumar, is an individual residing at 4555 Middle Park Drive, San Jose, California 95135 and is identified as the U.S. contact for Defendant U Lighting Group Co. Ltd., as well as the president of U lighting America Inc.

JURISDICTION AND VENUE

6. This is an action for patent infringement arising under the patent laws of the United States, United States Code, 35 U.S.C. § 271 et seq. This Court has subject matter jurisdiction over this action under Title 28, United States Code, §§ 1331 and 1338.

7. U Lighting is subject to personal jurisdiction in accordance with Illinois' long-arm statute Ill. Comp. Stat. § 735 5/2-209.

8. Venue is proper in this district pursuant to Title 28, United States Code, §§ 1391 and 1400.

9. U Lighting is subject to personal jurisdiction in this district because it has committed acts of infringement in Illinois, including in this district and division, and/or engaged in continuous and systematic activities in Illinois. On information and belief, U Lighting makes product available through its distributors into the Northern District of Illinois.

GENERAL ALLEGATIONS

10. On July 18, 1995, the United States Patent and Trademark Office (“USPTO”) duly and legally issued United States Patent No. 5,434,480 (the “’480 Patent”), entitled “ELECTRONIC DEVICE FOR POWERING A GAS DISCHARGE [L]OAD FROM A LOW FREQUENCY SOURCE.” The ‘480 Patent issued from U.S. Application No. 134,976, which was filed on October 12, 1993.

11. Mr. Bobel, the ‘480 patent’s named inventor, owns the entire right, title, and interest in and to the patent. Mr. Bobel has been an innovator in the design and development of energy saving lighting products for over 25 years. Over that time, Mr. Bobel’s innovations have earned him more than 60 patents. Mr. Bobel has also licensed his innovations to many of the world’s largest lamp and ballast manufacturers. Many of Mr. Bobel’s patents and technologies describe and claim key inventions in lighting, and have been integral in the growth of the energy efficient lighting industry. Mr. Bobel is also the Founder, CEO and Chief Engineer of Neptun Light, Inc., a leading manufacturer and innovator of energy efficient lighting products. Neptun Light, Inc. is located in Lake Forest, Illinois.

12. Mr. Bobel has complied with the statutory requirement of placing a notice of the '480 patent on CFLs manufactured and sold by Neptun, and has given U Lighting written notice of the infringement.

13. Over the past six years, U lighting has imported, sold, offered for sale and used CFLs with improved power factor including dimmable CFLs that infringe at least claim 9 of the '480 Patent.

14. As an example, U Lighting has infringed and is still infringing claim 9 of the '480 patent. U Lighting's CFLs infringe claim 9 of the '480 patent. A claim chart describing this infringement is shown in the attached Exhibit B, and a picture of an infringing ballast is shown in Exhibit C.

15. U Lighting has been aware of the '480 Patent since at least as early as January 23, 2012.

16. On information and belief, U lighting is aware that one or more of its products infringes the '480 patent and has intentionally and willfully continued to sell, offer for sale and/or use said product.

RELATED ACTION

17. On January 23, 2012, Mr. Bobel and Neptun filed a complaint with the International Trade Commission ("ITC") against Defendant U Lighting America Co. and other parties, and requested, among other things, that the ITC commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, to remedy the unlawful importation into the United States, the sale for importation, and/or the sale within the United States after importation of Defendant U Lighting America

Inc.'s dimmable compact fluorescent lamps (dimmable CFLs) that infringe the '480 patent.

18. On February 22, 2012 the ITC instituted Investigation No. 337-TA-830 into, among other things, Defendant U Lighting America Inc.'s unlawful importation into the United States, the sale for importation, and/or the sale within the United States after importation of Defendant U Lighting America Inc.'s dimmable CFLs that infringe the '480 patent.

**COUNT 1
DIRECT INFRINGEMENT OF U.S. PATENT NO. 5,434,480
[ALL DEFENDANTS]**

19. Mr. Bobel incorporates by reference the allegations set forth above.

20. U Lighting has infringed and is still infringing the '480 patent by making, using, selling, and offering for sale CFLs that embody one or more claims of the '480 patent, and U Lighting will continue to do so unless enjoined by this Court.

21. U Lighting's acts have caused, and unless restrained and enjoined, will continue to cause, irreparable injury and damage to Mr. Bobel for which there is no adequate remedy at law. Unless enjoined, U Lighting will continue to infringe the '480 patent.

22. U Lighting is aware that it infringes the '480 patent. U Lighting nonetheless continues to infringe the '480 patent by making and selling CFLs that infringe the '480 patent. U Lighting has knowingly, intentionally and willfully infringed the '480 patent.

23. U Lighting's infringement of the '480 patent is exceptional and entitles Mr. Bobel to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT 2
INDIRECT INFRINGEMENT OF U.S. PATENT NO. 5,434,480
[ALL DEFENDANTS]

24. Mr. Bobel incorporates by reference the allegation set forth above.

25. U Lighting has infringed and is still infringing the '480 patent by inducing others, including customers, distributors and manufacturers, to make, sell, and use CFLs that embody one or more claims of the '480 patent, and U Lighting will continue to do so unless enjoined by this Court. In particular, on information and belief, Defendant U Lighting Group Co. Ltd. has induced the direct infringement of Defendant U Lighting America Inc. and Defendant Venugopal Ashokkumar, a/k/a Ashok Kumar. In addition, on information and belief, Defendant Venugopal Ashokkumar, a/k/a Ashok Kumar, has induced the direct infringement by Defendant U Lighting America Inc. and of others.

26. U Lighting has infringed and is still infringing the '480 patent by contributing to the infringement of others, including customers, distributors and manufacturers to directly infringe the '480 patent through the making, use, sale or offer for sale of CFLs with improved power factor that infringe the '480 patent. In particular, on information and belief, Defendant U Lighting Group Co. Ltd. has contributed to the direct infringement of Defendant U Lighting America Inc. and Defendant Venugopal Ashokkumar, a/k/a Ashok Kumar. In addition, on information and belief, Defendant

Venugopal Ashokkumar, a/k/a Ashok Kumar, has contributed to the direct infringement by Defendant U Lighting America Inc. and of others.

27. The infringing CFLs are not staple articles of commerce and are not suitable for substantial non-infringing use as shown in greater detail in Exhibit B.

28. U Lighting's infringement has been intentional and with knowledge of the '480 patent.

29. U Lighting's acts have caused, and unless restrained and enjoined, will continue to cause, irreparable injury and damage to Mr. Bobel for which there is no adequate remedy at law. Unless enjoined, U Lighting will continue to infringe the '480 patent.

30. U Lighting is aware that it infringes the '480 patent. U Lighting nonetheless continues to infringe the '480 patent by making and selling CFLs that infringe the '480 patent. U Lighting has knowingly, intentionally and willfully infringed the '480 patent.

31. U Lighting's infringement of the '480 patent is exceptional and entitles Mr. Bobel to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Mr. Bobel demands a trial by jury in this action on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Mr. Bobel prays for the following relief against U Lighting:

- (a) Judgment that the '480 patent has been and continues to be directly infringed by U Lighting;
- (b) Judgment that the '480 patent has been and continues to be indirectly infringed by U Lighting;
- (c) For all damages sustained as a result of U Lighting's infringement of the '480 patent;
- (d) For treble damages pursuant to 35 U.S.C. § 284.
- (e) For pre-judgment interest and post-judgment interest at the maximum rate allowed by law;
- (f) For a preliminary injunction enjoining U Lighting, its officers, agents, servants, employees, and all other persons acting in concert or participation with it from further infringement of the '480 patent;
- (g) For a permanent injunction enjoining U Lighting, its officers, agents, servants, employees, and all other persons acting in concert or participation with it from further infringement of the '480 patent;
- (h) For an award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;
- (i) For all costs of suit; and
- (j) For such other and further relief as the Court may deem just and proper.

Dated: August 1, 2012

Respectfully submitted,
Andrezj Bobel

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